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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,171

10/10/2003

Richard J. Ericson

OT-4416A

2595

26584

7590

07/29/2008

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EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/684,171  
Filing Date: October 10, 2003  
Appellant(s): ERICSON ET AL.

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David J. Gaskey  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11 June 2008 appealing from the Office action mailed 23 November 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mardis (US 2,189,671).

Mardis discloses cable clamp system having a tension member (9) for suspending the loads and a termination device for the tension member, the termination member including:

a first compressive system (2,4,6) to provide a first retaining mechanism; and

a second compressive system (18) comprising a clamp engaging the tension member (9), the second compressive system prevents further slippage of the tension member by mechanical deformation of the tension member only when slippage of the tension member through the device first occurs (p. 1 ll. 40-50). It is inherent that when slippage occurs, the u-bolts 18 will dig into the rope 9 and cause mechanical deformation. With regard to the preamble of claim 22, "An elevator system having a tension member for suspending the elevator loads", as broadly recited, Mardis discloses that his device can be used to secure an end of the rope.

In regards to claim 23, Mardis discloses the tension member engagement with the first compressive system defines a load side (4) and a cut side (near 18) of the tension member, and wherein the clamp (18) is engaged with the cut side of tension member.

In regards to claim 25, Mardis discloses the clamp includes a first portion (18, Fig. 5) and a second portion (3, Fig. 5 page 1, ll. 1-5), the first portion including grooves and the second portion including ridges that complement the grooves such that upon application of the clamping force the interaction of the grooves and ridges retain the tension member.

In regards to claims 26, Mardis discloses the clamp includes a first portion (18, Fig. 5), a second portion ((3, Fig. 5) and a fastener (15) engaged with both portions to provide a clamping force between the two portions to retain the tension member.

In regards to claim 27, Mardis discloses the clamp is located to be drawn toward the first compressive system in the case of slippage of the tension member relative to the first compressive system.

#### **(10) Response to Argument**

##### **A. *Mardis* anticipates claims 22, 23, 25 and 26.**

First, the Examiner would like to point out that there is no structural difference between the Applicant's invention and the *Mardis* reference. Both the Applicant's invention and *Mardis* include a first compressive system in the form of a loop where the tension member is placed around the loop and compressed by two side plates. In addition, both the Applicant's invention and *Mardis* include a second compressive system in the form of a clamp and that engages the tension member.

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Second, the Applicant mischaracterizes the *Mardis* reference. The Applicant repeatedly cites page 2, col. 1, lines 3-17 of the *Mardis* reference as support for his contention that *Mardis* does not allow for any slippage in the first compressive system, therefor the functional limitation that the “second compressive system prevents further slippage of the tension member by mechanical deformation of the tension member *only when slippage of the tension member through the device* first occurs.” (Emphasis added) However, *Mardis*’ disclosure on page 2, col. 1, lines 3-17 describes the entire device, not only the first compressive system (2, 4, 6). *Mardis* describes the combination of the second compressive system (page 2, col. 1, lines 6-7) and first compressive system (page 2, col. 1, lines 9-11) to secure the rope (tension member). *Mardis* states that “this invention is clamped securely over the substantially the *entire* loop . . . .” (page 2, col. 1, lines 14-15, Emphasis added) It is clear that *Mardis*’ first compressive system (2,4,6) and second compressive system (2,18,13) work in together to eliminate slippage in the same way as the Applicant’s invention.

Third, in regard to Applicant’s argument that *Mardis* fails to show any mechanical deformation by the second compressive system in response to slippage, the structure of the Applicant's and *Mardis*’ second compressive system is the same. The Applicant describes the device 130 as clamped (Spec. page 17, line 10) onto the tension member and crimps the tension member (Spec. page 17, line 18). *Mardis* discloses the same structure. The clamp 18/13 is clamped (page 1, lines 40-45) and crimps the tension member (page 1, lines 1-5 and 40-45, the grooves of plate 2 co-act with the clamps 18/13 to crimp the tension member). It is inherent that if enough tension is applied to the tension member held by *Mardis*’ first and second compressive systems, mechanical deformation will occur. As compared to the Applicant's invention, the first

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and second compressive systems prevent slippage, but if excessive tension is applied, mechanical deformation will occur.

Finally, Applicant's support for the second compressive system is found on page 17 lines 7-30 and Figures 16-18. There is no support for the limitation "second compressive system prevents further slippage of the tension member by mechanical deformation of the tension member *only* when slippage of the tension member through the device first occurs." (Emphasis added) The Applicant discloses clamping and crimping the second compressive system 130 to the tension member, but there is not mention of mechanical deformation only occurring when the first compressive system slips.

**B. Claim 25 is not separately patentable.**

As stated above, *Mardis* discloses the same structure. The clamp 18/13 is clamped (page 1, lines 40-45) and crimps the tension member (page 1, lines 1-5 and 40-45). The grooves of plate 2 co-act with the clamps 18/13 to crimp the tension member. The grooves 7a, 7b of plate 2 are rugged and cover the entire plate, including the portion clamped by the second compressive system 18/13. In regard to the anticipation of claim 25, the first portion 18 includes grooves (there are two U-bolts, each one providing a groove) and a second portion 2 including ridges 7a, 7b.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Evan H Langdon/

Primary Examiner, Art Unit 3654

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